
HOUSE BILL 1759

State of Washington 60th Legislature 2007 Regular Session

By Representatives McIntire, Hunt, Kessler, Upthegrove, Darneille, Moeller, Kenney, Hasegawa, Simpson, Ormsby and Morrell

Read first time 01/26/2007. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to shared leave for declared emergencies; and
2 amending RCW 41.04.665.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.04.665 and 2003 1st sp.s. c 12 s 3 are each amended
5 to read as follows:

6 (1) An agency head may permit an employee to receive leave under
7 this section if:

8 (a)(i) The employee suffers from, or has a relative or household
9 member suffering from, an illness, injury, impairment, or physical or
10 mental condition which is of an extraordinary or severe nature; (~~or~~)

11 (ii) The employee has been called to service in the uniformed
12 services; or

13 (iii) A state of emergency has been declared anywhere within the
14 United States by the federal or any state government and the employee
15 has needed skills to assist in responding to the emergency or its
16 aftermath and volunteers his or her services to either a governmental
17 agency or to a nonprofit organization engaged in humanitarian relief in
18 the devastated area, and the governmental agency or nonprofit
19 organization accepts the employee's offer of volunteer services;

1 (b) The illness, injury, impairment, condition, (~~(c)~~) call to
2 service, or emergency volunteer service has caused, or is likely to
3 cause, the employee to:

4 (i) Go on leave without pay status; or

5 (ii) Terminate state employment;

6 (c) The employee's absence and the use of shared leave are
7 justified;

8 (d) The employee has depleted or will shortly deplete his or her:

9 (i) Annual leave and sick leave reserves if he or she qualifies
10 under (a)(i) of this subsection; (~~(c)~~)

11 (ii) Annual leave and paid military leave allowed under RCW
12 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

13 (iii) Annual leave if he or she qualifies under (a)(iii) of this
14 subsection;

15 (e) The employee has abided by agency rules regarding:

16 (i) Sick leave use if he or she qualifies under (a)(i) of this
17 subsection; or

18 (ii) Military leave if he or she qualifies under (a)(ii) of this
19 subsection; and

20 (f) The employee has diligently pursued and been found to be
21 ineligible for benefits under chapter 51.32 RCW if he or she qualifies
22 under (a)(i) of this subsection.

23 (2) The agency head shall determine the amount of leave, if any,
24 which an employee may receive under this section. However, an employee
25 shall not receive a total of more than two hundred sixty-one days of
26 leave.

27 (3) An employee may transfer annual leave, sick leave, and his or
28 her personal holiday, as follows:

29 (a) An employee who has an accrued annual leave balance of more
30 than ten days may request that the head of the agency for which the
31 employee works transfer a specified amount of annual leave to another
32 employee authorized to receive leave under subsection (1) of this
33 section. In no event may the employee request a transfer of an amount
34 of leave that would result in his or her annual leave account going
35 below ten days. For purposes of this subsection (3)(a), annual leave
36 does not accrue if the employee receives compensation in lieu of
37 accumulating a balance of annual leave.

1 (b) An employee may transfer a specified amount of sick leave to an
2 employee requesting shared leave only when the donating employee
3 retains a minimum of one hundred seventy-six hours of sick leave after
4 the transfer.

5 (c) An employee may transfer, under the provisions of this section
6 relating to the transfer of leave, all or part of his or her personal
7 holiday, as that term is defined under RCW 1.16.050, or as such
8 holidays are provided to employees by agreement with a school
9 district's board of directors if the leave transferred under this
10 subsection does not exceed the amount of time provided for personal
11 holidays under RCW 1.16.050.

12 (4) An employee of an institution of higher education under RCW
13 28B.10.016, school district, or educational service district who does
14 not accrue annual leave but does accrue sick leave and who has an
15 accrued sick leave balance of more than twenty-two days may request
16 that the head of the agency for which the employee works transfer a
17 specified amount of sick leave to another employee authorized to
18 receive leave under subsection (1) of this section. In no event may
19 such an employee request a transfer that would result in his or her
20 sick leave account going below twenty-two days. Transfers of sick
21 leave under this subsection are limited to transfers from employees who
22 do not accrue annual leave. Under this subsection, "sick leave" also
23 includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1)
24 with compensation for illness, injury, and emergencies.

25 (5) Transfers of leave made by an agency head under subsections (3)
26 and (4) of this section shall not exceed the requested amount.

27 (6) Leave transferred under this section may be transferred from
28 employees of one agency to an employee of the same agency or, with the
29 approval of the heads of both agencies, to an employee of another state
30 agency. However, leave transferred to or from employees of school
31 districts or educational service districts is limited to transfers to
32 or from employees within the same employing district.

33 (7) While an employee is on leave transferred under this section,
34 he or she shall continue to be classified as a state employee and shall
35 receive the same treatment in respect to salary, wages, and employee
36 benefits as the employee would normally receive if using accrued annual
37 leave or sick leave.

1 (a) All salary and wage payments made to employees while on leave
2 transferred under this section shall be made by the agency employing
3 the person receiving the leave. The value of leave transferred shall
4 be based upon the leave value of the person receiving the leave.

5 (b) In the case of leave transferred by an employee of one agency
6 to an employee of another agency, the agencies involved shall arrange
7 for the transfer of funds and credit for the appropriate value of
8 leave.

9 (i) Pursuant to rules adopted by the office of financial
10 management, funds shall not be transferred under this section if the
11 transfer would violate any constitutional or statutory restrictions on
12 the funds being transferred.

13 (ii) The office of financial management may adjust the
14 appropriation authority of an agency receiving funds under this section
15 only if and to the extent that the agency's existing appropriation
16 authority would prevent it from expending the funds received.

17 (iii) Where any questions arise in the transfer of funds or the
18 adjustment of appropriation authority, the director of financial
19 management shall determine the appropriate transfer or adjustment.

20 (8) Leave transferred under this section shall not be used in any
21 calculation to determine an agency's allocation of full time equivalent
22 staff positions.

23 (9) The value of any leave transferred under this section which
24 remains unused shall be returned at its original value to the employee
25 or employees who transferred the leave when the agency head finds that
26 the leave is no longer needed or will not be needed at a future time in
27 connection with the illness or injury for which the leave was
28 transferred. To the extent administratively feasible, the value of
29 unused leave which was transferred by more than one employee shall be
30 returned on a pro rata basis.

31 (10) An employee who uses leave that is transferred to him or her
32 under this section may not be required to repay the value of the leave
33 that he or she used.

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